



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 7316-02
12 December 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 December 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Naval Reserve on 6 April 1986 at age 24 after about three years of active service on a prior enlistment. On 29 January 1987 a Navy Drug Laboratory reported that you had used marijuana. Based on the positive urinalysis, you were processed for an administrative discharge. On 12 November 1987 an administrative discharge board (ADB) found that you had committed misconduct due to drug abuse but recommended your retention in the Naval Reserve. On 26 February 1988, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved the recommendation of the Chief of Naval Personnel and your commanding officer that you be issued a general discharge by reason of misconduct due to drug abuse. You were so discharged on 11 March 1988. At that time you were not recommended for reenlistment

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that the ADB found you not guilty of drug abuse. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge or to change the reason for your discharge given the

fact that the ADB found that you had committed misconduct by using marijuana. Even though you were recommended for retention, Navy regulations allowed for discharge as long as there was a finding of misconduct. The Board concluded that the discharge by reason of misconduct was proper as issued and no change is warranted.

Concerning the nonrecommendation for reenlistment, which equates to an RE-4 reenlistment code, Navy regulations require such a recommendation when an individual is discharged by reason of misconduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the decision not to recommend you for reenlistment.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director